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Friday, January 5, 2001

Metro/Region

CONVICT IN '65 SLAYING MAY GAIN FREEDOM

Ralph Ranalli, Globe Correspondent

After 32 years in prison for a murder he says he did not commit, reputed Mafia associate Peter Limone faces the real possibility of freedom today after the Suffolk County prosecutors filed motions to grant him a new trial and release him on bail.

Suffolk District Attorney Ralph C. Martin II's office also filed a motion yesterday in Middlesex Superior Court to grant a new trial to Joseph Salvati, Limone's co-defendant in the 1968 trial for the murder of small-time crook Edward "Teddy" Deegan three years earlier. Salvati's life sentence was commuted in 1997 by Governor William F. Weld.

The motions were filed late yesterday afternoon on the eve of a crucial hearing on Limone's motion for a new trial, and just a month after the discovery of secret documents at FBI headquarters that strongly supported the claims of innocence by Limone, Salvati, and two co-defendants who died while in prison.

The documents - which appeared to suggest that FBI agents not only knew that the four men were innocent, but also knew about the Deegan murder plot before it happened and did nothing to stop it - were uncovered by a Justice Department task force investigating corruption in the FBI's use of informants.

Prosecutors from Martin's office met with task force officials Wednesday, but it was unclear whether the meeting had anything to do with Martin's abrupt about-face in the case. Martin's spokesman James Borghesani, declined to comment on the motions except to confirm that they had been filed.

Limone's attorney, John Cavicchi of East Boston, praised the work of the task force chief, Special US Attorney John Durham.

"This is great. If it weren't for John Durham and the Justice task force we would still be getting nowhere."

"At the least, I expect Mr. Limone to be released," Cavicchi said. "I can't see the judge sending him back to prison tomorrow."

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Meanwhile, a key witness from the 1968 murder case now says he was coached by Boston Police and the Suffolk district attorney's office on whom to identify as one of the shooters.

Anthony Stathopoulos' account of what he saw in a dark Chelsea alleyway on March 12, 1965 provided crucial corroboration for the main witness in the Deegan murder case: legendary Boston hitman Joseph "The Animal" Barboza.

However, a growing pile of evidence suggests that Barboza was almost certainly a perjurer who nearly sent four innocent men to the electric chair.

Yesterday, Stathopoulos, also known as "Tony Stats," added his voice to the rising chorus of witnesses who say the fix was in during the prosecution of Limone, Salvati, Louis Greco, and Henry Tameleo for Deegan's murder.

During the 1968 trial, Stathopoulos pointed to Louis Greco in court and said the Mafia-connected bookmaker from Revere looked like the man he saw leave the alley carrying a gun shortly after Deegan was shot in the head.

Yesterday, however, Stathopoulos said that it was a former Boston Police homicide detective, John Doyle, who identified Greco as the shooter for him. A member of then-Suffolk district attorney Garrett Byrne's staff, whose name Stathopoulos cannot remember, then told him where Greco would be sitting at the defense table, he said.

"They told me the seating arrangement in advance," Stathopoulos said.

Both Byrne and Doyle are dead. The prosecutor of the case, however, Boston lawyer Jack Zalkind, denied ever coaching any witnesses.

"I treated this case as professionally as any prosecutor could," Zalkind said.

Stathopoulos, who said he moved to Hollywood after several attempts on his life, said he knew Barboza was lying to protect his best friend Vincent J. "Jimmy the Bear" Flemmi, brother of Winter Hill gangster and controversial FBI informant Stephen Flemmi.

"Jimmy Flemmi was involved. I had conversations with Barboza about it before (the case) went to trial," Stathopoulos said. "He said

(Jimmy Flemmi) was the only one who had treated him decently throughout his life."

Cavicchi said he now wants to know not only who coached Stathopoulos to implicate Greco, but why prosecutors apparently kept it a secret for 29 years.

Cavicchi said a 1971 affidavit signed by Stathopoulos was kept in the Suffolk County district attorney's files and only recently turned over to him as court-ordered discovery in Limone's bid for a new trial. It should have been available much earlier, he said, to him and to other lawyers who have been trying for years to overturn the verdicts.

"If I did something like that, I would be disbarred and put in prison," he said.

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Greco and Tameleo, he said, died in prison while fighting in vain to prove their innocence in the Deegan case.

Borghesani said yesterday that he was unaware of the affidavit and could not comment on it.

State prosecutors, though, are now apparently facing the same evidence-withholding allegations that have been leveled at the FBI.

The documents found at FBI headquarters, coupled with recent statements by former Barboza associates that he admitted framing the four, have led to increasing pressure for Limone's release and exoneration.

Within the last several months, two criminals-turned-government witness, hitman John Martorano and admitted horse-race fixer Anthony Ciulla, have said Barboza told them who really committed the Deegan murder.

"I know for a fact that (Limone) wasn't there, I got it from Barboza's mouth," Ciulla said yesterday.

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Caption: Peter Limone was convicted in Edward Deegan's murder. / 1967 FILE PHOTO

----- INDEX REFERENCES -----

NAMED PERSON: LIMONE, PETER; MARTIN, RALPH C II; SALVATI, JOSEPH;
STATHOPOULOS, ANTHONY; GRECO, LOUIS

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2001 WL 5371474

The Providence Journal
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Saturday, January 6, 2001

News

New trial ordered for man who served 32 years for murder

* Peter Limone and his lawyer contend that the FBI had information establishing Limone's innocence during the original prosecution in the Massachusetts killing.

* * *

CAMBRIDGE, Mass. (AP) - A man who has spent half his life in prison for an underworld murder he insists he didn't commit walked out of prison yesterday after a judge ordered a new trial.

Peter Limone, 66, was released without bail after Superior Court Judge Margaret Hinkle vacated his conviction.

Hinkle blasted the FBI for withholding information that could have led to Limone's acquittal, saying the agency had been "tarnished" by its actions in the case.

"It is now time to move on," Hinkle said. "Mr. Limone's long wait is over."

About 50 friends and relatives of Limone broke into applause. Outside the courtroom, Limone said he was bitter about his 32-year incarceration and accused the FBI of framing him.

"I'm just happy that I have my family still and they've been with me all this time," Limone said. "Every day you look at it, and every day you know you're innocent, but you wait for this day.."

Limone was one of six men found guilty of the March 12, 1965, underworld slaying of Edward "Teddy" Deegan in Chelsea.

Last month, Justice Department investigators probing corruption in the Boston FBI gave Limone's lawyer secret FBI informant reports written around the time of Deegan's murder.

The reports, which Hinkle said were key in her decision to free Limone, show that informants told FBI agents of plans for the slaying before Deegan was killed and even gave the agents a list of those involved.

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Limone, a reputed organized crime member who was once convicted of running a dice game, and Joseph Salvati, who has proclaimed his innocence for years and had his sentence commuted in 1997, were not on the list nor were two of the other four men who were convicted in the case.

The prosecutor who handled the murder case has told Boston newspapers that he didn't know about the informant reports at the time. Defense attorneys say they didn't know about them, either.

Hinkle said she wasn't ruling on the accuracy of the informant reports, but was acting because their existence should have been disclosed to the defense at the 1968 trial.

But she noted that the reports suggested that Vincent "Jimmy the Bear" Flemmi, who is now dead, was an informant for the FBI, and may have been involved in the Deegan murder, but was never charged.

John Cavicchi, Limone's lawyer, said he believed the FBI was "paranoid about Italian-Americans" and had orchestrated a frame-up to protect Vincent Flemmi and his brother Stephen "The Rifleman" Flemmi, a notorious alleged mobster who was also an FBI informant.

The case was prosecuted in state court, but the FBI was involved in the investigation and prosecution of the case.

David Meier, head of the homicide unit for the Suffolk County District Attorney's Office, said prosecutors had joined in a request for a new trial after a "full and thorough evaluation of the facts and circumstances.

"Today, we have done justice," Meier said, declining to comment on whether there had been any missteps by the office in the past on the case.

Asked whether Limone might sue the state for being wrongly incarcerated, Cavicchi said: "That's the American way." Then he suggested that the legislature could enact a bill paying Limone reparations.

The case appeared to be yet another black eye for the FBI's Boston office, which is already under a microscope for some agents' cozy relationships with mobsters.

Agent John Connolly, who joined the FBI after the Deegan case, was accused last year of taking gifts from mobsters, tipping them off to investigations, and telling them the identities of FBI informants and witnesses who were later murdered. He has pleaded innocent.

Connolly allegedly was in league with Stephen Flemmi, who is now facing trial in four different federal cases, some of which include allegations of murder.

Limone singled out former FBI agent H. Paul Rico, author of the newly released informant reports, as the man who had framed him. Limone called him a "scum."

But William P. Cagney III, the lawyer for Rico, who is now retired in Florida, said Rico had reported his findings to his superiors and someone up above had decided not to disclose the information.

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"Mr. Rico didn't try to keep it from being a fair trial. If there was anybody that suppressed evidence, it would have been the hierarchy in the Department of Justice or the **FBI**, not Mr. Rico," Cagney said.

----- INDEX REFERENCES -----

NAMED PERSON: LIMONE, PETER; HINKLE, MARGARET; RICO, H PAUL

NEWS SUBJECT: Crime and Courts; Political and General News; Crime; English language content (GCRIM GCAT CRM ENGL)

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Saturday, January 6, 2001

MAIN (A)

JUDGE FREES MAN IN '60S MOB CASE

EDMUND H. MAHONY; Courant Staff Writer

A Massachusetts judge Friday ended the decades-long nightmare of one-time Boston bookie Peter Limone, releasing him from prison after concluding there is merit to claims that the FBI framed him for a murder 33 years ago.

"Every day you look at it, and every day you know you're innocent, but you wait for this day," Limone said moments after being freed. "Of course you harbor bitterness. You have to. How can you not?"

About 50 of Limone's relatives and friends broke into applause in Judge Margaret Hinkle's Cambridge courtroom after she vacated his 1968 murder conviction and released him without bail. Limone, 66, has spent nearly half his life in prison for a crime he has always claimed he did not commit.

Hinkle's decision, endorsed by Boston's top state criminal prosecutor, is the most significant milestone to date in what has become one of New England's most notorious murder cases. Perhaps more importantly, the decision promises to refocus attention on past behavior by agents assigned to the FBI's Boston Division, which for three years has been the subject of a wide-ranging criminal investigation.

Among the matters under investigation is whether FBI agents allowed innocent men to be convicted of serious crimes in order to recruit and protect confidential informants.

Limone was one of six men convicted of the May 12, 1965, mob execution of a small time Boston hoodlum named Edward "Teddy" Deegan. Deegan's life and death were the stuff of pulp fiction. He was riddled with bullets by a gang of thugs who lured him to a darkened Chelsea alley on the pretext of robbing a finance company.

Over the decades since the murder, a substantial body of evidence has been collected suggesting that four of the six men -- Limone among them -- were innocent. Limone and the other three tried repeatedly to prove their innocence, but until Friday a variety of judges and prosecutors found that evidence to be incredible

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Hinkle, when announcing her decision, blasted the FBI.

"The conduct of the bureau at the time of the murder of Mr. Deegan and at the time of the trial of these defendants tarnishes its image," Hinkle said. "It is now time to move on. Mr. Limone's long wait is over."

Limone's remarks suggest he will have a hard time doing so. His children, sitting anxiously in court Friday with their own children, were toddlers at the time of his conviction. They were told then that their father was leaving home to be hospitalized for a prolonged illness.

"I'm just happy that I have my family still and they've been with me all this time," said the gray-haired Limone, who wore a light colored cardigan and carried a bouquet as he walked out of court.

Two of the four apparently innocent men convicted with Limone -- Henry Tameleo and Louis Greco -- died in prison of old age. The fourth, Joseph Salvati, served 29 years before former Massachusetts Gov. William Weld commuted his sentence and he was released in 1997.

Each of the four men had some association in the 1960s with the Patriarca crime family, New England's dominant Mafia organization. A number of detectives now involved in the investigation of the FBI's Boston Division suspect that agents working in the 1960s may have known the four were innocent of the Deegan murder, but believed they were probably guilty of something else. At the time, there was enormous pressure on the FBI to break the Mafia.

"I'm starting to think that's what happened," one investigator said.

The evidence that Hinkle and others said was the key to Limone's release was a series of secret FBI memos discovered late last month by special federal prosecutor John H. Durham. Durham, an assistant U.S. Attorney from New Haven, was appointed in 1998 by the U.S. Department of Justice to lead a task force looking into crimes by retired Boston FBI agents.

"Were it not for John Durham and the joint task force, I have no doubt that Mr. Limone would have died in prison just like Mr. Greco and Mr. Tameleo," said John Cavicchi, one of Limone's lawyers.

The memos Durham found show that Boston-based agents -- as well as top Bureau officers including former Director J. Edgar Hoover -- appear to have suppressed credible evidence that could have prevented the four men from being convicted.

Included in the memos is information showing that the FBI knew Deegan was going to be killed two days before his murder. What's more, the documents show that an informant told now-retired FBI agent H. Paul Rico who the real killers may have been a day after the murder. Limone, Salvati, Tameleo and Greco were not included among the killers named by the informant.

Rico, a decorated FBI mob investigator who became legendary for his ability to cultivate informants, was told by his informant that the real killers were Joseph "The Animal" Barboza, Vincent "The Bear" Flemmi, Roy French, Ronald Cassesso and Romeo Martin.

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The former state prosecutor who won the convictions in the Deegan case said in December that he was never told of the information from Rico's informant at the time of the trial. Defense attorneys for Limone and Salvati said they were never informed either.

Barboza and Flemmi were ruthless mob executioners who Rico's informant said planned **Deegan's murder**. Barboza and Flemmi were never prosecuted for the **Deegan murder** but became informants for Rico themselves at the time the case was being investigated and prosecuted.

On Friday, Limone implied that Rico knew who the real killers were and allowed innocent men to be jailed.

"I was framed by Paul Rico," Limone said. "He's scum."

Rico, who has retired to Florida, could not be reached Friday. But William P. Cagney III, his lawyer, said Rico reported his findings to his superiors at the time -- and someone higher in the chain of command decided not to disclose the information.

"Mr. Rico didn't try to keep it from being a fair trial," Cagney said. "If there was anybody that suppressed evidence, it would have been the hierarchy in the Department of Justice or the **FBI**, not Mr. Rico."

Boston **FBI** spokeswoman Gail Marcinkiewicz said the office had no comment.

In the weeks since Durham released the secret **FBI** memos, two lawyers who had underworld clients from the Deegan era publicly admitted that their clients -- who have since died -- told them that innocent men were convicted. Both lawyers said their clients admitted participating in **Deegan's murder**. The lawyers said that until recently they had been prevented by the lawyer-client privilege from disclosing the information.

But senior prosecutors for the Suffolk County district attorney, the office that won the Deegan conviction in July 1968, said Friday the secret **FBI** memos were what led to Limone's release. Assistant District Attorney Mark Lee urged Hinkle -- and Hinkle agreed -- to vacate the convictions of Limone and Salvati and order new trials for both men. Sources said the district attorney may choose in the near future not to prosecute the new trials, effectively dismissing murder charges against the men.

Asked "how wrong" was Limone's conviction, Lee said: "Wrong enough for it to be overturned and vacated and a new trial to be ordered. We're not going to sit here and get into degrees. But it's wrong enough that we came in here and said this man should have a new trial and have his conviction vacated."

David Meier, head of the homicide unit for the Suffolk County District Attorney's Office, said prosecutors had joined in a request for a new trial after a "full and thorough evaluation of the facts and circumstances."

"Today, we have done justice," Meier said.

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PHOTO: (B&W) MUG; Caption: PHOTO: LIMONE

---- INDEX REFERENCES ----

NAMED PERSON: LIMONE, PETER; HINKLE, MARGARET; TAMELEO, HENRY; GRECO, LOUIS;
RICO, H PAUL

KEY WORDS: MURDER; HOMICIDE; CRIME;

NEWS SUBJECT: Crime and Courts; Political and General News; Crime; English
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Saturday, January 6, 2001

Metro/Region

COURT FREES LIMONE AFTER 33 YEARS IN PRISON

Ralph Ranalli, Globe Correspondent

CAMBRIDGE - One arm cradling a bouquet of yellow roses, the other wrapped tightly around his tearful wife, Peter Limone walked out of Middlesex Superior Courthouse yesterday a free man after allegedly being framed for murder by the FBI and spending 33 years in prison, four of them on death row.

"Mr. Limone's long wait is over," said Middlesex Superior Court Judge Margaret Hinkle, prompting applause and tears from a large group of relatives and supporters of Limone in the East Cambridge courtroom.

Hinkle, who said it was "now time to move on," granted a joint motion by defense lawyers and Suffolk District Attorney Ralph C. Martin II's office to give Limone, 66, a new trial and vacate his life sentence.

After spending half his life behind bars for the murder of Edward "Teddy" Deegan in 1965, Limone was freed largely on the basis of secret FBI documents uncovered by a Justice Department task force investigating corruption in the bureau's use of organized crime informants.

The documents, which were never turned over to defense lawyers in the Deegan case, suggest that a onetime FBI informant, Vincent J. "Jimmy the Bear" Flemmi, planned Deegan's murder, not Limone.

The key witness against Limone - hit man-turned-FBI-witness Joseph "The Animal" Barboza - was Flemmi's best friend.

The documents say that an informant told the FBI who the participants in the murder were, and Limone and the three men convicted along with him weren't among them.

The documents also suggest that FBI agents not only covered up evidence that Limone and three other men were wrongly convicted in order to protect Flemmi and his gangster brother, Stephen - an FBI informant for nearly 30 years - but also knew about the Deegan murder plot in advance and did nothing to stop it.

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"The conduct of the bureau at the time of the murder of Mr. Deegan and the trial of Mr. Limone tarnishes that agency," said Hinkle, a former assistant US attorney.

Limone had harsh words yesterday for the bureau, particularly former Special Agent H. Paul Rico, who was Barboza's FBI handler and is reportedly a target of the Justice Department corruption task force.

"He framed me. He knew what he was doing," the silver-haired Limone said of the agent, who is retired and living in Florida. "He's scum. He set it all up."

Overall, however, the mood of the Limone family was joyful and free of bitterness and rancor.

Flanked by his wife, Olympia, his four children, and six of his eight grandchildren, Limone spoke mostly of his gratitude for the people who stood by him and helped him over the years, particularly his relatives and his attorney, John Cavicchi.

"I just give thanks to the good people I have been involved with," he said. "I am very happy."

Prison, he said, was "very hard, every day in there, knowing I was innocent." His time was made even harder by watching two codefendants, Henry Tameleo and Louis Greco, die in prison while their appeals were rejected by court after court.

Defense lawyers allege that Barboza and the FBI framed Limone, Tameleo, Greco, and a fourth codefendant, Joseph Salvati, in order to settle personal scores and to satisfy a mandate from FBI headquarters to make cases against the underworld.

Tameleo was believed to be a top figure in the Patriarca New England crime family and Limone and Greco were reputed associates.

Salvati, who owed Barboza money, had his life sentence commuted by Governor William F. Weld in 1997. Martin's office also filed motions with Hinkle Thursday to vacate Salvati's sentence and grant him a new trial.

Assistant District Attorney Mark Lee said the newly discovered FBI documents were a key factor - along with other recently uncovered witness statements and evidence indicating Limone and Salvati's innocence - in their decision to drop their opposition to a new trial.

"The documents painted a very compelling picture," Lee said. "What happened here was wrong enough for us to come into court and say that this mandates a new trial."

Publicly, Martin's office had no comment on whether they would pursue a new trial or drop the case, but privately, sources close to the office called it a practical impossibility because of the age of the case, the doubts cast on it by the FBI documents, and the fact that Barboza was murdered in 1976.

Limone and his lawyer said they would wait before considering whether to file a civil lawsuit against the FBI or state prosecutors.

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Cavicchi, however, said that based on what has been paid to other wrongfully imprisoned defendants, "\$5 million might be a good starting point."
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Caption: 1. Peter Limone was freed yesterday after spending 33 years in prison for a 1965 slaying. FBI documents suggest he may have been framed. / GLOBE STAFF PHOTO/JANET KNOTT 2. FREEDOM - Olympia and Peter Limone leaving Middlesex Superior Court as he was released after 33 years in prison for the murder of Teddy Deegan. Documents suggest he was framed by the FBI. / GLOBE STAFF PHOTO/JANET KNOTT (Photo, Page A1.)

----- INDEX REFERENCES -----

NAMED PERSON: LIMONE, PETER; HINKLE, MARGARET; MARTIN, RALPH C II; TAMELEO, HENRY; GRECO, LOUIS

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

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Thursday, January 18, 2001

Judge Vacates Murder Conviction

By MARTIN FINUCANE
Associated Press Writer

CAMBRIDGE, Mass. (AP) - A judge on Thursday threw out the conviction of a man who served 30 years in prison for a 1965 underworld murder he said he didn't commit.

Superior Court Judge Margaret Hinkle vacated the conviction of Joseph Salvati, 68, saying newly discovered evidence raised doubts about the conduct of the FBI and fairness of his trial.

"The conduct of certain agents of the bureau ... stains the legacy of the FBI," Hinkle said.

It was the second time Hinkle has thrown out conviction in the murder of Edward "Teddy" Deegan. Two weeks ago she vacated the conviction of Peter Limone, who also insisted he was innocent.

Salvati and Limone, 66, were in a group of six men found guilty of Deegan's slaying. Salvati had his sentence commuted in 1997 and was released on parole, but he continued to fight to clear his name.

Last month, Justice Department investigators probing corruption in the Boston FBI gave the two men's lawyers FBI informant reports written around the time of Deegan's murder.

The reports show that informants told FBI agents of plans for the slaying beforehand and gave the agents a list of those involved. Neither Limone nor Salvati was on the list - nor were two of the other four men convicted. The other two died in prison.

Hinkle said she wouldn't rule on the accuracy of the reports, but said they should have been disclosed at trial.

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KEY WORDS: NATIONAL

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Friday, January 19, 2001

Metro/Region

SALVATI RULING BITTER, SWEET IN CELEBRATING, HE CAN'T FORGET 30 YEARS HE LOST

Ralph Ranalli, Globe Correspondent

CAMBRIDGE - At his time of triumph, in the glare of the television cameras, a momentary wave of sadness crashed over Joe Salvati, pushing his gaze downward as his eyes welled with tears.

"It's a very happy day and a very sad day." he said outside a Cambridge courtroom. "I say it's a sad day because a few people couldn't make it this long. They just couldn't last. My parents, (my attorney) Victor's parents, my Uncle Johnny. . ." the 68-year-old Salvati said, his voice trailing off.

A judge had just vacated his conviction for a murder he insists he did not commit, a conviction that kept him behind bars for 30 years.

Salvati was freed from prison in 1997, after former governor William F. Weld commuted his sentence, but his conviction remained.

The tearful moment underscored the bittersweet nature of the day for Salvati, his family, and for Boston attorney Victor Garo, who fought for 25 years to prove Salvati's innocence.

There was joy on one hand, Salvati said, in finally having his conviction overturned and in hearing a judge accuse the FBI of "manipulating" the testimony of the key witness in the case.

On the other hand, there would be no getting back the 30 years he spent in prison, during which his parents, Garo's parents, and a favorite uncle, all of whom had prayed for justice, had died.

Two other defendants, who now appear also to have been wrongly convicted of the 1965 gangland slaying of Edward "Teddy" Deegan, died in prison.

Acting on a motion filed by the office of Suffolk District Attorney Ralph C. Martin II, Superior Court Judge Margaret Hinkle vacated Salvati's 1968 conviction and ordered a new trial. But a retrial is considered unlikely.

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Hinkle took the same action two weeks ago for Salvati's co- defendant, Peter Limone, citing once-secret documents uncovered in December by a US Justice Department task force investigation into **FBI** corruption.

The documents appear to show that a former **FBI** agent, H. Paul Rico, knew who had actually killed Deegan, a small-time hoodlum, in a Chelsea alleyway but stood by as the **FBI's** star witness, hitman Joseph "The Animal" Barboza, framed Salvati, Limone, Mafia-connected bookmaker Louis Greco of Revere, and high-ranking Mafioso Henry Tameleo.

"I wonder how Mr. Rico felt when Mr. Tameleo and Mr. Greco died," Salvati said yesterday.

Rico is reportedly a target of the Justice Department corruption investigation as well as murder probes in Oklahoma and Miami.

Garo called the handling of the **Deegan murder** an "abomination."

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Caption: Joseph Salvati, right, leaving a Cambridge courtroom yesterday after a Superior Court judge vacated his sentence for a 1965 underworld murder. Salvati, 68, served 30 years in prison. / AP PHOTO

----- INDEX REFERENCES -----

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